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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,392	04/10/2000	Atsushi Watanabe	392.1681/JDH	2369
21171	7590	05/20/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			KRONENTHAL, CRAIG W	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/546,392

Applicant(s)

WATANABE ET AL.

Examiner

Craig W. Kronenthal

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See the attached two page explanation.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 13, 2005 have been fully considered but they are not persuasive. The Applicant argues that Spight does not disclose or suggest the "same image capturing device capturing both image data of objects and images of reference models." The Examiner disagrees and indicates that the stored configurations must inherently be taken by the same capturing device since they are used "instead of iterating" this capturing device (col. 9 lines 4-8). In order to replace the iterations, the corresponding references must have the same orientation, distance, and intensity and therefore must be taken by the same capturing device (col. 9 lines 8-10).
2. Applicant argues that Spight does not disclose or suggest "storing a capturing direction of the reference image and information of an orientation of the robot with respect to the reference object." The Examiner disagrees and indicates that the stored references are "indicative of a number of particular orientations of the object being viewed" (col. 9 lines 12-13). It is an inherent property this orientation information that the capturing direction and information of an orientation of the robot with respect to the reference object is known. Orientation is a relative measurement, which means it must have a reference point from which to compare a reference object ("object being viewed" col. 9 line 13). The reference point in this case must be the robot or a point with a known relation to the robot, and therefore each reference signal indicates an orientation of the robot with respect to the reference object.

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3. Applicant argues that "Spight does not disclose determining orientation of robot operation." The Examiner disagrees and indicates that Spight discloses determining the "orientation in space" of the object being viewed (col. 8 lines 14-15). This information is provided to a processor (Figure 1, 200) for controlling the robot (col. 8 lines 17-19). It is inherent that the processor must determine the orientation of the robot from the orientation in space information of the object being viewed to "perform any desired task on the object being viewed" (col. 8 line 20).

4. Applicant argues that "Spight lacks processor to perform matching." The Examiner disagrees and indicates that Spight discloses a system control processor (Figure 2, 64), which correlates image data with reference signals (col. 7 line 64 – col. 8 line 1). This correlation is synonymous with matching. Furthermore, the result of the processor (64) is to identify the object, which is the same result of the claimed processor.

MEHRDAD DASTOURI
PRIMARY EXAMINER

Mehrdad Dastouri